IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4055 of 2007(S)

CMP.2371/2007 of J.M.F.C.,VADAKARA
CRIME NO.148/2007 OF THE EDACHERY POLICE STATION

.....

PETITIONER/ACCUSED NO.1

SAINUDHEEN, S/O. HAKKIM, AGED 23 YEARS,
AMBALATHUM KANDIYIL HOUSE, AZHIYOOR AMSOM DESOM.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE, EDACHERY POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4055 of 2007

Dated this the 5th day of July 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 153A I.P.C and the provisions of the Explosives Act. The alleged incident took place in the early hours of 13/5/2007. While the defacto complainant and others were sleeping on the beach, four accused persons allegedly went there and threw petrol bombs. According to the prosecution, it is on account of the strained relationship between the R.S.S and the N.D.F workers that the petitioners indulged in such conduct. No miscreants were identified at the scene. The F.I.R was lodged. Investigation was conducted. Mobile phone of the first accused was recovered from the scene of the occurrence. Accused 1 to 3 were arrested and interrogated. The involvement of the petitioner, that is the fourth accused, was thus identified and he was arrested on 15/6/2007. He continues in custody from that date. Accused 1 to 3 are also continuing in custody now.

2. The learned counsel for the petitioner prays that the petitioner may now be enlarged on bail. He having already been in custody from 15/6/2007 and the only peace of material against him being the alleged confession of the co-accused. The learned Public Prosecutor opposes the application. Investigation is not complete. Tense law and order situation prevails in the locality. In these circumstances, the petitioner may not be enlarged on bail now. At any rate, the investigating officer may be given reasonable further time to complete the investigation in a serious crime like the instant one, submits the learned Public Prosecutor.

3. I have considered all the relevant inputs. I am satisfied that the petitioner can be enlarged on bail subject to appropriate conditions to allay the apprehension aired by the learned Public Prosecutor.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 13/07/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer as and when directed by the investigating officer in writing to do so.

iv) Except if necessary to comply with condition No.(iii) above, the petitioner shall not enter the Sessions division of Kozhikode, until further orders, without the prior permission of the learned Magistrate.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007